

three (3,000) thousand scholastic population whenever more than twenty-five (25%) per cent of the qualified voters of said county as shown by the vote for Governor at the preceding General Election shall petition the commissioners' court therefor, said court shall order an election for said county to determine whether or not the office of county superintendent of public instruction shall be created in said county, and if a majority of the qualified property taxpaying voters voting at said election shall vote for the creation of the office of county superintendent of public instruction in said county, the commissioners' court, at its next regular term after the holding of said election, shall create the office of county superintendent of public instruction and name a county superintendent of public instruction who shall qualify under this chapter and hold such office until the next General Election for such officials under this Article. Provided further that in counties having a scholastic population of between three (3,000) thousand and five (5,000) thousand scholastics, wherein the office of county superintendent of public instruction has not been created and a superintendent elected, then in such counties the question of whether or not such office is established shall be determined by the qualified voters of said county in a special election called therefor by the commissioners' court of said county, upon petition therefor as hereinabove specified.

Sec. 2. The fact that there is need and desirability for more stability and certainty in the terms of office of county superintendents, the importance of this Legislation, and the necessity for providing for such officials and of fixing the terms of office thereof creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
October 10, 1933.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, no quorum being present.

On motion of Senator Woodward, the Senate stood at ease until 9:30 o'clock a. m.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Patton and Woodul:
S. B. No. 104, A bill to be entitled "An Act to amend Article 1109a of the Revised Civil Statutes of 1925 of the State of Texas passed by the Thirty-ninth Legislature, Acts of 1925, and known as H. B. No. 477, said Act being an Act entitled 'An Act to empower cities having more than one hundred and sixty thousand (160,000) inhabitants to purchase or otherwise acquire water

systems, and additions, extensions and enlargements thereto, and additional water powers, riparian rights, and repairs of such systems to issue bonds or notes therefor, and to secure payment thereof to mortgage and encumber the same, and the incomes thereof, and everything pertaining thereto, or any part thereof; and to grant to any purchaser under any sale or foreclosure a franchise to operate the same for not over twenty years after such purchase; prescribing the powers and limiting the manner of their exercise; providing for a board of trustees to carry out any contract or encumbrance; providing for the election of a trustee and his successor, to make sale on default in payment; prescribing the method of foreclosure, and giving such cities the option to include or exclude any of such property from such encumbrance; prohibiting the sale of such systems unless authorized by a majority vote of the qualified property tax payers, or under the terms of such encumbrance; and prohibiting the encumbrance of such systems for purchase money or original cost, unless authorized in like manner; providing for approval by the Attorney General and registration by the Comptroller; approving all proceedings heretofore had in the acquisition of any such systems and the encumbrance of same within the authority given by this Act; and declaring an emergency'; by making said Act apply to cities having more than one hundred and sixty thousand (160,000) inhabitants according to the last preceding Federal census; and by amending Section 2 of said Act by adding that such cities shall have the power to borrow money and issue bonds or notes which shall be fully negotiable within the meaning and for all purposes under the negotiable instrument law; said bonds and notes to be payable solely out of the income of such system or any extensions, replacements, betterments, additions or improvements which, in the judgment of the governing body of such city, are necessary to render adequate service and to pledge and use the income of such system for payment of such bonds or notes, and such determination by such governing body shall be conclusive and any ordinance pledging or encumbering

such rents, income and revenues shall be deemed a part of the contract of said city with the holders of such bonds, and by amending Section 6 thereof by adding providing however no such election shall be necessary to authorize the issuance of bonds or notes payable solely out of the income of said system; providing that said Act shall not repeal other Acts of the Legislature granting powers to cities in reference to encumbering water works systems in pledging the revenues thereof, but that said Acts shall be cumulative to such Acts and further providing that nothing in other Acts shall be deemed to limit or impair the power of any city under this Act, and declaring an emergency."

Read and referred to Committee on State Penitentiaries.

By Senator Hornsby:

S. B. No. 105, A bill to be entitled "An Act to amend Section 11 of Acts of the Forty-second Legislature, page 300, Chapter 177, to have Section 6 of said Act provide that consent to adoption of a child shall not be required of a parent who has transferred the right to and control of such child or abandoned such child, to a corporation, or other association, conducting a home or school or children, or an individual, by written instrument; and to provide that in such cases adoption shall be permitted on consent of the superintendent of the home or school, or of the individual, to whom the child has been by the parent thus transferred or abandoned, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 106, A bill to be entitled "An Act amending Section 2, Section 3, Section 5 and Section 9, Chapter 162, H. B. No. 154, Acts of the Forty-third Legislature, Regular Session, providing for monthly payment of tax levied and prescribing the date upon which tax shall be paid and by whom it shall be paid; providing for the making of certain reports and the maintenance of certain records and providing that if said tax is withheld by the purchaser and said purchaser fails to make payment of said tax to the State that the producer may have legal action against

the purchaser by reason of such failure, and providing for attorney's fee; providing penalties for the failure to pay the tax imposed upon the production of oil and six per cent interest on delinquent penalties and interest; authorizing the Comptroller to promulgate rules and regulations for the enforcement of this Act and the amount of expenses set out in said Act for the enforcement or administration be deducted and appropriated from the gross amount collected, and providing for employees therein, prescribing maximum salaries, providing for equipment and supplies and other expenses necessary to enforce this Act, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Neal:

S. B. No. 107, A bill to be entitled "An Act making an appropriation for one district supervisor for the State Department of Vocational Education, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Greer:

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 47, General and Special Laws of the Forty-first Legislature, First Called Session, and Section 1, Chapter 140, Regular Session, Forty-second Legislature, repealing said Sections 1 and 1-a, and re-enacting same with certain changes, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 109, A bill to be entitled "An Act to authorize municipal corporations and political sub-divisions of the State of Texas to apply for and secure grants and loans from the Federal Government for the construction, repair, improvement and financing of public work projects as defined herein; providing that such corporations and sub-divisions shall have power to take title to any such projects paid for by Federal loans; providing for the lease of the same from the Federal Government; relating to the application of rents, tolls, income and revenues thereof; authorizing such municipal corporations and political sub-divisions to

issue bonds, notes or warrants for the construction, repair and improvement of any such projects, and providing a method of payment; providing no such obligation shall ever be a debt of any such municipal corporation or sub-division but solely a charge upon the property and projects so encumbered and revenues thereof; prescribing procedure of the governing body of any such municipal corporation or sub-division in respect of the issuance of such notes, bonds or warrants, making provision in respect of the negotiability and taxation of any such obligations; providing this Act shall be cumulative of all other laws on the subject and shall constitute an alternative procedure to other methods of procedure provided in existing laws; further providing that the powers herein granted shall cease and determine on July 1, 1935, except as to applications then pending or concerning which notice has been commenced; enacting such other and further provisions pertinent and incident to the subject and purpose of this Act, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 110, A bill to be entitled "An Act to amend Article 1111, Revised Civil Statutes of Texas, 1925, as amended, granting to cities and towns powers in reference to the building, purchasing, improving, enlarging, extending and repairing of light, water, sewer or natural gas systems, sanitary disposal equipment and appliances, parks and/or swimming pools, either or all, and the franchise and income thereof, to secure the payment of funds therefor; authorizing the encumbrance of said properties and/or revenues and income therefrom, the granting to a foreclosure purchaser of an operating franchise for a period of twenty years; providing that obligations issued therefor shall never constitute debts of such city or town and shall never be reckoned in determining the power of such city or town to issue bonds; amending Article 1112 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that if such system is to be improved, enlarged, extended or repaired and

the cost thereof financed through moneys advanced by any Federal agency, no election on such provision shall be necessary; amending Article 1113, Revised Civil Statutes of Texas, 1925, as amended, so as to eliminate the provision in the original Article providing that no part of the income of any such system thus encumbered can be used to pay any other debt, expense or obligation of such city or town until the indebtedness so secured shall have been finally paid; repealing all laws and parts of laws in conflict herewith, and especially the conflicting provisions of Chapter 163, Acts of the Regular Session of the Forty-second Legislature; validating all securities heretofore issued under the provisions of Articles 1111 to 1118, inclusive, as amended, all proceedings commenced for the issuance of such securities, all Acts of governing bodies and of officials of such cities and towns, all acts of trustees named in any mortgages or indentures in respect of such securities, the appropriation and pledge of revenues of such system or systems, the mortgage or indenture on the properties and franchise of any such system or systems, validating all acts of said cities and towns, the governing bodies thereof and the officers thereof in proceedings leading up to the sale and delivery of such securities, mortgages and indentures, and authorizing completion of such sale and delivery heretofore authorized; providing that securities issued hereunder shall be negotiable under the uniform negotiable instruments Act, legalizing said securities for investment by various fiduciaries and institutions, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Senators Excused.

The following Senators were excused for the day on account of illness:

Senator Duggan, on motion of Senator Hornsby.

Senator Collie, on motion of Senator Pace.

House Bill No. 12.

The Chair laid before the Senate as special order the following bill:

H. B. No. 12, A bill to be entitled "An Act amending and re-enacting Sub-sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, of Chapter 166, of the Acts of the Forty-third Legislature, being H. B. No. 167, pages 428-433, of the Session Acts of the Forty-third Legislature; appropriating from State funds \$1,260 to defray operating expenses of the Racing Commission for the period ending December 31, 1933; providing that the appropriations made by the Forty-third Legislature for the Department of Agriculture shall not be drawn upon unless the funds in the 'Special Racing Fund' shall be insufficient or unavailable; creating a Racing Commission of three members, to consist of the Commissioner of Agriculture, State Tax Commissioner, and a chairman to be appointed by the Governor; authorizing the Commission to appoint a secretary and other officers and employees; fixing the compensation of the Commissioners and certain employees and defining the powers and duties of the Commissioners; etc., and declaring an emergency."

Read second time.

By unanimous consent, the further consideration of the bill was postponed until immediately following the conclusion of the memorial service set for this morning.

Senate Bill No. 30.

The Chair laid before the Senate as pending business the following bill:

By Senator Martin:

S. B. No. 30, A bill to be entitled "An Act amending Article 7256 of the 1925 Revised Civil Statutes of Texas, so as to provide that in all counties containing a city, other than the county seat, in excess of 7,000 inhabitants according to the 1930 Decennial Census, the tax collector, with the consent and approval of the commissioners' court of said county may appoint a deputy tax collector in such town or city, who shall have the right to issue valid receipts for all taxes collected by him and to collect a fee of twenty-five cents from each person who pays his taxes to said deputy and to whom said deputy issues a receipt; providing that no person shall

be charged over twenty-five cents for paying his taxes to said deputy; providing that said deputy shall enter into such bond payable to the county judge of the county, in such amounts as the tax collector and commissioners' court may require; and further providing that said tax collector shall likewise remain liable on his bonds for all such taxes collected, and declaring an emergency."

Senator Purl sent up the following amendment:

Amend S. B. No. 30, by adding new section: "providing that no tax collector shall receive any fees of office for any taxes collected by the deputy paid by commissions stationed in any other city and/or cities."

PURL.

The amendment was read.

Senator Martin moved to table the amendment.

At Ease.

At 10 o'clock a. m., the Senate stood at ease for five minutes.

Memorial Service.

At 10:05 o'clock a. m., the Chair, Lieutenant Governor Edgar E. Witt, announced that the hour for the memorial service had arrived.

The Chair introduced President Pro Tempore George C. Purl, Chairman of the Committee on Arrangements, as the presiding officer for the service.

The Chair appointed Lieutenant Governor Edgar E. Witt, and Senators Parr, Holbrook, Woodward and Moore, to escort the family of the late Hon. Barry Miller to the places reserved for them.

The invocation was delivered by the Rev. W. H. Doss, Senate Chaplain during the administration of Hon. Barry Miller as Lieutenant Governor.

The complete rolls of the 26th and 27th Senates, in which Hon. Barry Miller served as a member, were called by the Senate Secretary, Bob Barker, as follows:

1899 Hold-Overs.

| | |
|--------|----------|
| Atlee. | Kerr. |
| Burns. | Lewis. |
| Goss. | Linn. |
| Gough. | Morriss. |
| Greer. | Terrell. |

| | |
|----------|--------|
| Turney. | Yett. |
| Wayland. | Ross. |
| Yantis. | Stone. |

1899 Senators Elect.

| | |
|-----------|------------|
| Davidson. | Miller. |
| Dibrell. | Neal. |
| Grinan. | Odell. |
| Hanger. | Patterson. |
| James. | Potter. |
| Johnson. | Sebastian. |
| Lloyd. | Stafford. |
| McGee. | |

The names of surviving members of the 26th and 27th Senates were called by the Senate Secretary, those present answering to their names, as follows:

Survivors.

J. B. Dibbrell.
 J. T. Beaty, Jasper.
 W. W. Turney, El Paso.
 M. P. McGee, Seguin.
 W. P. Sebastian, Breckenridge, Fort Worth.
 C. V. Terrell, Decatur-Austin.
 W. D. Yett, Burnet-Austin.
 C. O. James, Sulphur Springs.
 S. L. Staples, Smithville-Austin.
 D. McNeill Turner, Corpus Christi.
 W. A. Hanger, Fort Worth.

Among Those Who Are Now Dead.

Perry J. Lewis, San Antonio.
 George C. Greer, Beaumont-Dallas.
 D. W. Odell, Cleburne-Fort Worth.
 R. N. Stafford, Mineola.
 J. E. Yantis, Waco.
 C. L. Potter, Gainesville.
 James Gough, McKinney.
 Atlee, Laredo.
 Waller Burns, Houston.
 Heber Stone, Brenham.
 A. B. Davidson, Cuero.
 Arch Grinan, Brownwood.
 George D. Neal, Navasota.
 R. V. Davidson, Galveston.
 A. G. Lipscomb, Hempstead.
 D. A. Paulus, Hallettsville.
 George W. Savage, Montague.
 J. J. Swan, Falls County.
 John A. Wayland, Robertson.
 C. A. Wheeler, Fannin County.
 J. R. Wilson, Bowie County.
 Goss.
 Morris.
 Lloyd.
 Johnson.
 Kerr.
 Linn.
 Ross.
 Patterson.

Telegrams.

Telegrams from Hon. W. P. Sebastian and Hon. D. McNeill Turner, members of the Twenty-sixth and Twenty-seventh Senates, were read, as follows:

Fort Worth, Texas, Oct. 9, 1933.
Senator George Purl,
Senate Chamber,
Austin, Texas.

I would be with you at memorial service tomorrow, were I not prevented by previous engagement. Senator Miller was my close personal and political friend and I loved him almost as a brother.

W. P. SEBASTIAN.

Goliad, Texas, October 10, 1933.
Senator Geo. C. Purl,
Austin, Texas.

Dear Senator:

I regret that my physical condition denies me the privilege of joining the Texas Senate in paying tribute to the memory of the late lamented Governor Barry Miller. No one who served with him or under him in the Texas Senate has a higher appreciation of his public service and statesmanship than I.

Respectfully,

D. McNEILL TURNER.

The address of Lieutenant Governor George J. Jester to the 26th Senate was read by the Senate Secretary.

The Chair recognized former Senator W. A. Hanger, member of the 26th and 27th Senates, who ad-

dressed the assemblage from the floor on the subject, "Senator Barry Miller, 1899."

The Chair recognized former Senator S. L. Staples, member of the 27th Senate, who addressed the assemblage from the floor on the subject, "Senator Barry Miller, 1901."

The Chair recognized former Senator C. V. Terrell, member of the 26th Senate, who addressed the assemblage from the floor on the subject, "President Pro Tempore Barry Miller, 1901."

The Chair recognized Lieutenant Governor Edgar E. Witt, who served in the Senate during the administration of Hon. Barry Miller as Lieutenant Governor and who succeeded him as Lieutenant Governor. Lieutenant Governor Witt addressed the assemblage from the floor on the subject, "Lieutenant Governor Barry Miller, 1925."

The Chair recognized former Senator A. J. Wirtz, who served as a member of the Senate during the administration of Hon. Barry Miller as Lieutenant Governor and as President Pro Tempore of the 39th Senate, who addressed the assemblage from the floor on the subject "Lieutenant Governor Barry Miller, 1927."

The Chair recognized Senator T. J. Holbrook, who served as a member of the Senate during the administration of Hon. Barry Miller as Lieutenant Governor, who addressed the assemblage from the floor on the subject "Lieutenant Governor Barry Miller, 1929," as follows:

In Memory
of
Hon. Barry Miller

Senate Simple Resolution No. 19.

Senator Holbrook sent up the following resolution:

Mr. President and members of the Senate:

To me has been assigned the grateful task of speaking the homage of our affection in commemoration of the high character and virtues of "one whom we have long loved, but lost awhile".

It would be inadequate, indeed, to give merely a chronological history of his career; but it is important to say that when Barry Miller passed from these scenes on the afternoon of June 20, 1933, there was closed a life of usefulness that will rest as a benediction on this generation.

He was born on December 25, 1864, near Barnwell, South Carolina, being the son of Thos. J. and Rachael Barry Miller. His father was a prominent physician in that State and was a member of Hampton Legion during the Civil war, serving as Assistant Surgeon at McPhersonville Hospital. His mother was the daughter of Major Phillip Barry who served with Wellington at Waterloo, and afterward came as an immigrant to this country and enlisted as a soldier during the Civil War.

His father died when he was five years old. He was then taken with his mother to Washington, D. C., where they lived during the next thirteen years with his grandmother, Marguerite Nealey Barry. During his early youth he attended public and private schools at the National Capitol, and helped to defray his expenses by working at odd times in the Treasury Department. During that time his grandmother took in, as boarders, a goodly number of prominent Congressmen with whom young Barry became intimately acquainted, and through their conversations he became early interested in politics. After school hours he spent a great deal of his time in the galleries of the Senate and the House and was finally selected as one of the pages in the Senate, where he became a favorite of Roscoe Conkling and some of the other leaders of that day. After serving in the capacity of a page, he received a letter, one day, from his Uncle, Tom Barry, who lived in Dallas, and who was a valued and trusted employee of Sanger Brothers, inviting him to come to Texas. In 1882 he removed to Dallas and commenced the study of law in the office of Sawnie Robertson, who was afterward selected as one of the Supreme Judges of Texas. After a years study he took the examination and received his license to practice law. He soon was selected as Assistant County Attorney of Dallas County, in which capacity he served with distinction, during the four years following.

In 1898, when Governor Charles A. Culberson was a candidate for the United States Senate, young Miller, who was then in his

thirtieth year, quit the post he was occupying and sought a seat in the State Senate for the sole purpose of aiding Culberson in his election to the United States Senate. He served with distinction in the State Senate for one term, covering the sessions of the Twenty-sixth and Twenty-seventh Legislatures, and then refused a re-election.

For some years after that he pursued his private practice, except for making excursions into politics, until 1911 when he was appointed Criminal District Judge of Dallas County, to which position he was later elected to a full four year term. In a little more than a year he cleared the docket of his Court and recommended to the Legislature that it be abolished. This was done of his own accord and he relinquished back to the State three-fourths of his elected term.

Throughout Senator Culberson's long career in public life Barry Miller was his staunchest advocate. In 1916 after the Senator had become aged in the service, and weakened in body, he managed successfully his campaign for re-election. Following that he entered again into the Contest of 1922 in behalf of Senator Culberson but due to the strength of the Ku Klux Klan failed in his efforts to re-elect Senator Culberson for a fifth term.

During his long political career he was elected at intervals to the House of Representatives of this State, besides the one term of service in the Senate and three terms as its Lieutenant Governor. In 1930 he suffered perhaps the greatest disappointment of his career in his failure to be elected Governor.

Before he reached his majority in 1885, he was married to Minnie H. Miller, daughter of William B. Miller, one of the pioneers of Dallas County. Through her they came into possession of her father's home at Millermore, a suburb of the City of Dallas, at which place they resided until death removed him. He is survived by his wife, a daughter, Mrs. Evelyn M. Pierce, and three sons—Tom Barry, William B. and Philip P.

Aside from his political record Barry Miller was an ardent Odd Fellow and Mason. During 1929 he served as Grand Master of the Odd Fellows in Texas, and its Orphans Home at Corsicana always held his greatest affection.

He was a staunch adherent, during his entire life, of the Democratic Party, having always supported the regular ticket in every contest that had been waged. He was one of the outstanding orators of the State, and on many occasions the ring of his golden voice changed the current of the tide.

I think it can be said in truth, and without invidious comparison, that he was the greatest presiding officer this Senate ever had — always calm, dispassionate and fair in his rulings, he pursued a course which won for him universal admiration. He had a complete and accurate understanding of parliamentary law, and was never lost to decide a point instantaneously. He was possessed of a portly bearing and charming personality, and whether in the role of legislator, judge, orator or executive, he exhibited a degree of judgment and poise equalled by few men and not exceeded by any with whom I have come in contact.

Born near the close of the Civil War in the first State that rebelled against the Union, he early imbibed the political ideas and ideals of the old South. Having sprung from such surroundings he believed in the Democracy which had always been nurtured in these Southern States, and embraced it as though it were a religion. His whole family record is one of heroic cast. From the time his grandfather came over from Ireland and planted his feet on South Caro-

lina's shores his family has had no drones among them. They have loved freedom, as it is reflected in the Constitution and Bill of Rights which they have helped to preserve.

During the six years in which he presided over this Senate, I had occasion to observe him closely, and so well did he perform his duties that it might be said he almost became an institution of the State. On one occasion, after a long wrangle, in observance of the fine way in which he concluded the days work, one of my colleagues said to me—"You might as well attempt to play Hamlet without the ghost as to conduct the sessions of a wild Senate without Barry Miller as its president."—and so it seemed. He added pep and vim to what otherwise might have been a dry and listless work. It is not my wish to be pessimistic, but I am afraid that his like shall not pass this way again. In all that pertains to the welfare of the State he was, indeed, one of the old guards, whose lines are fast breaking but whose spirit will never die. Taken all in all, he filled a unique place in the generation in which he lived and was a big man in all that word implies.

This gathering here is a testimonial to our grateful appreciation of the rare qualities which he possessed, and of the manner in which he performed the Herculean tasks which fell his lot. The fact that we have assembled to pay homage to his dauntless spirit is evidence that the same thought which animated him awakens a like response in our breasts.

I shall not attempt to record here a detailed list of his achievements; they are a part of the State's history. I shall be content with a recital of a few of his unusual qualities — those which distinguished him among the men of his day. First, he was a man of outstanding intellectual proportions, but he was still a normal man, and possessed to a high degree the hopes and aspirations of the common people. His heart always beat for the masses and their struggles toward higher and nobler paths of duty. He had a keen knowledge of their wants and needs in these struggles, and could look through the excitement of the hour to a better and brighter day. He had courage to believe that the ideals of this government which were set by the fathers for us in this inheritance would continue to be the sheet anchor of our hopes for the preservation of the Republic.

He possessed a moral courage which was not exceeded by his physical courage. It is not necessary that one shall agree with his judgment in order to admire his independence of thought and his willingness to follow his convictions and accept responsibilities for his conduct. Only when men are willing to give expression to their thoughts and to defy any opposition that their thoughts arouse—only then is there a chance for progress. Truth does not fear discussion; it emerges triumphant from the conflict of opinions, and those are factors, no matter on which side victory perches, who boldly and honestly contend for what they believe to be right. Barry Miller possessed these virtues, and he had a moral courage to foretell, and he deserves to be ranked among the State's immortals.

He had a real kinship with the multitudes and his sympathies were always quickened by the pulsation of their heart; and above all he possessed that quality without which there can be no real greatness—he had the faith to believe that "Though weeping may endure for a night, joy cometh in the mornings."

It is this reliance upon the great power that stands back of all truth, and whose arm can bring victory to any cause—this secret unseen influence that those exert whom the people instinctively trust, that are the outstanding earmarks of every man who has attained a lasting fame.

They are great in proportion as they serve, and they serve in proportion as they have faith. As in the economy of Nature, nothing is lost, so in the world of human endeavor no word spoken in behalf of truth is without its weight, and no blow struck in behalf of righteousness is struck in vain. It is of little moment whether one dies today or tomorrow; but it is all-important that while living, he shall live for the things worth living for—leave the world better for his having lived in it, and dying, live again in the lives of those who have been inspired by his words, and his example. Barry Miller showed his faith in his works, and he rendered a service to his generation and State that will be appreciated more and more as the years go by.

To get a true perspective of what type of man he was, and what he stood for one must necessarily rise into "an ampler ether, a diviner air". He was what I should call a true type of the universal man. He had the observant eyes that really see, the ears that really hear, the brain that retains all pictures and all thoughts, and an imagination that supplied the defects and built the perfect from the fragment; and these faculties, working together, account for what he did.

His was a life of unselfish service to his adopted State, and while we shall know him no more in these councils we shall hope that he has found rest eternal. He has journeyed hence, to join with the spirits of those great immortals whose memories are enshrined in the history and traditions of this State. "Let us hope that his dying eyes read a mystic meaning which only the rapt and parting soul may know. Let us believe that in the silence of a receding world he has heard the waves of whatever disappointment that disturbed him here, break upon a farther shore; and has felt already upon his wasted brow the breath of an eternal morning."

Not his, the soldiers envied scar,
Unarmed he fought for right,
With justice for his guiding star,
In duty's endless fight.

And ever may his record tell
To countless ages still unknown,
The story of a life lived well,
For God, for country, and for home.

Mr. President:

Mindful of the virtues he possessed, and sorrowing with his family and friends, it is

RESOLVED, BY THE SENATE OF TEXAS, That this simple tribute of respect be printed on a special page in the Journal, and that a copy be sent to each member of his family; and that when the Senate adjourns for the day it do so in his memory.

HOLBROOK.

The resolution was adopted unanimously.

The Chair addressed the assemblage briefly in memory of Hon. Barry Miller.

"Crossing the Bar," a favorite selection of Hon. Barry Miller, was rendered by the following quartet: Mrs. Sidney McCall, Mrs. A. L. Larson, Roy C. Lane and Homer W. Griffiths, accompanied by Mrs. J. E. Lyles.

The benediction was pronounced by former Senator W. D. Yett, member of the Twenty-sixth and Twenty-seventh Senates.

At Ease.

By unanimous consent, the Senate stood at ease for 10 minutes.

In Session.

The Senate was called to order at 11:35 o'clock a. m. by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 30.

The question recurred upon the motion to table the amendment (by Senator Purl) to S. B. No. 30.

The motion was lost by the following vote:

Yeas—10.

| | |
|-----------|-------------|
| Blackert. | Parr. |
| Cousins. | Patton. |
| Hopkins. | Russek. |
| Martin. | Sanderford. |
| Pace. | Stone. |

Nays—13.

| | |
|-----------|-----------|
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Hornsby. | Rawlings. |
| Moore. | Small. |
| Murphy. | Woodruff. |
| Neal. | Woodward. |
| Oneal. | |

Absent.

| | |
|-----------|----------|
| Beck. | Redditt. |
| Greer. | Regan. |
| Holbrook. | Woodul. |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Senator Purl withdraw the amendment.

On motion of Senator Martin the bill was laid on the table subject to call.

House Bill No. 12.

The question recurred upon H. B. No. 12.

Senator Rawlings sent up the following amendments:

Amend H. B. No. 12, beginning with line 4 of the first paragraph on page 6, and wherever else consistent with the provisions of this Act, particularly on pages 7, 8, and 10, by eliminating all reference to the inclusion of "dog races" within the provisions of this Act.

| | |
|-----------|-------------|
| MARTIN, | SANDERFORD, |
| RAWLINGS, | BECK, |
| GREER. | RUSSEK, |
| PURL, | HOLBROOK, |
| MOORE, | WOODRUFF, |
| HORNSBY, | WOODWARD, |
| PARR, | PATTON, |
| STONE, | FELLBAUM, |
| MURPHY, | REDDITT. |
| COUSINS, | |

Read and adopted.

Amend H. B. No. 12 by striking out all that portion of subsection 5, beginning with line 13, page 6, to and including the word "time" in line 29, and substituting in lieu thereof the following:

"After providing for the operating expenses of the Racing Commission as aforesaid, an amount equal to twenty-five (25%) per cent of the funds remaining in the Special Racing Fund shall by the Treasurer of the State of Texas be paid into and credited to the Available Public Free School Fund of the State as provided by the Constitution of the State of Texas. An amount equal to twenty-five (25%) per cent of the funds then remaining in the Special Racing Fund shall be used by the Commissioner of Agriculture of the State of Texas to purchase, transport, and deliver for distribution well-bred and approved stallions and jacks throughout the State of Texas and, in connection therewith, defray the actual reasonable expense incident to the purchase, transportation and maintenance of such animals, in order thereby to promote the breeding of better live stock in the State of Texas. After deducting from said Special Racing Fund the operating expenses of the Racing Commission as aforesaid, and after deducting from said Special Racing Fund the said twenty-five (25%)

per cent going to the Available Public Free School Fund, and after deducting the said twenty-five (25%) per cent to be so used by the Commissioner of Agriculture of the State of Texas as aforesaid, the balance remaining in said Special Racing Fund, so far as it may be required, shall be used for the payment of the appropriations by the Legislature for the support and maintenance of the State Department of Agriculture as said appropriations for that department shall be fixed and allowed by the Legislature of the State of Texas from time to time."

RAWLINGS.

Read and adopted.

Amend H. B. No. 12 by striking out the engrossed rider No. 1 thereto.

RAWLINGS.

Read and adopted.

Amend H. B. No. 12 by striking out that part of subsection 1, beginning in line 12, page 3, reading thus: "In the event of a vacancy in the chairmanship, arising from any cause, the Governor shall, by appointment, fill such vacancy," and substituting therefor the following:

"In the event of a vacancy in the chairmanship arising from any cause, or a vacancy arising from any cause in that place on the Racing Commission provided herein to be held by the Tax Commissioner, the Governor shall by appointment, with the advice and consent of the Senate, fill such vacancy."

RAWLINGS.

Read and adopted.

Amend H. B. No. 12 so as to make the caption thereof correspond with the body of the bill:

RAWLINGS.

Read and adopted.

The bill was passed to third reading by the following vote:

Yeas—16.

| | |
|-----------|-------------|
| Blackert. | Rawlings. |
| Cousins. | Redditt. |
| Fellbaum. | Regan. |
| Holbrook. | Russek. |
| Hopkins. | Sanderford. |
| Martin. | Stone. |
| Parr. | Woodul. |
| Patton. | Woodward. |

Nays—12.

| | |
|----------|-----------|
| Beck. | Neal. |
| DeBerry. | Pace. |
| Greer. | Poage. |
| Hornsby. | Purl. |
| Moore. | Small. |
| Murphy. | Woodruff. |

Absent.

Oneal.

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|-----------|-------------|
| Beck. | Patton. |
| Blackert. | Poage. |
| Consins. | Purl. |
| DeBerry. | Rawlings. |
| Fellbaum. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Murphy. | Stone. |
| Neal. | Woodruff. |
| Pace. | Woodul. |
| Parr. | Woodward. |

Nays—2.

| | |
|--------|--------|
| Greer. | Moore. |
|--------|--------|

Absent.

Oneal.

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Read third time.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 12 by striking out the following words in lines 62 and 63 "and of the members of the Legislature."

RAWLINGS.

Read and adopted by unanimous consent.

The bill was finally passed by the following vote:

Yeas—16.

| | |
|-----------|-------------|
| Blackert. | Rawlings. |
| Cousins. | Redditt. |
| Fellbaum. | Regan. |
| Holbrook. | Russek. |
| Hopkins. | Sanderford. |
| Martin. | Stone. |
| Parr. | Woodul. |
| Patton. | Woodward. |

Nays—12.

| | |
|----------|-----------|
| Beck. | Neal. |
| DeBerry. | Pace. |
| Greer. | Poage. |
| Hornsby. | Purl. |
| Moore. | Small. |
| Murphy. | Woodruff. |

Absent—Excused.

| | |
|---------|--------|
| Collie. | Oneal. |
| Duggan. | |

Message From the House.

Hall of the House of Representatives,
Austin, Texas, October 10, 1933.
Hon Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

H. B. No. 23, A bill to be entitled
"An Act for the continuation, for the
control and prevention of malaria;
prescribing the duties of the State
Board of Health in reference thereto;
making appropriation, and declaring
an emergency."

H. B. No. 25, A bill to be entitled
"An Act amending Article 1111, Ver-
non's Revised Civil Statutes, the
same being the Act of 1927, For-
tieth Legislature, page 276, Chapter
194, for the purpose of more fully
and effectually carrying out the
National Industrial Recovery Act
and its program of relief in the State
of Texas, by providing adequate ma-
chinery to increase the powers of
cities, towns, and villages, in order
that they may mortgage and encum-
ber municipal markets or city mar-
kets, so as to enable them to obtain
loans from the Federal Government
for the purpose of building, enlarg-
ing, or repairing municipally-owned
markets, etc., and declaring an emer-
gency."

H. B. No. 40, A bill to be entitled
"An Act releasing penalties and in-
terest on ad valorem and poll taxes
that were delinquent on or before

July 1, 1933, due the State and cer-
tain subdivisions of the State, pro-
vided same are voluntarily paid on
or before December 31, 1933, to-
gether with 2 per cent penalty, or
on or before March 31, 1934, to-
gether with 4 per cent penalty, or
on or before June 30, 1934, together
with 6 per cent penalty; providing
that Section 1 hereof shall not apply
to delinquent taxes due to cities,
towns, villages, special school dis-
tricts, or independent school districts
unless and until the governing body
of such subdivision shall adopt the
provisions hereof by resolution or
ordinance; providing that nothing
in Section 1 of this Act shall be con-
strued as postponing, delaying, or
extending the time for the payment
of delinquent taxes covered by this
Act, nor as prohibiting, postponing,
or delaying the filing or prosecution
of tax suits; defining the term 'vol-
untarily paid' as same is used here-
in; etc., and declaring an emer-
gency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 23, referred to Commit-
tee on Finance.

H. B. No. 25, referred to Commit-
tee on State Affairs.

H. B. No. 40 referred to Commit-
tee on State Affairs.

Senate Bill No. 86.

The Chair laid before the Senate
by unanimous consent the following
bill:

By Senator Parr:

S. B. No. 86, A bill to be entitled
"An Act to validate all proceedings
and Acts of the governing boards of
cities containing a population of not
more than 11,000 and less than
10,500, according to the next pre-
ceding Federal Census, in connection
with the issuance of funding war-
rants and funding bonds heretofore
authorized or attempted to be author-
ized under the provisions of Chap-
ter 163, Acts Forty-second Legisla-
ture, Regular Session, and declaring
an emergency."

Recess.

Senator Stone moved to recess un-
til 2 o'clock p. m.

Senator Purl moved to recess until 2:30 o'clock p. m. The motion prevailed and, at 12:21 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 86.

The question recurred upon S. B. No. 86.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 86 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie. Duggan.

Read third time and finally passed by the following vote:

Yeas—28.

| | |
|-----------|-----------|
| Beck. | Neal. |
| Blackert. | Oneal. |
| Cousins. | Pace. |
| Fellbaum. | Parr. |
| Greer. | Patton. |
| Holbrook. | Poage. |
| Hopkins. | Purl. |
| Hornsby. | Rawlings. |
| Martin. | Redditt. |
| Moore. | Regan. |
| Murphy. | Russek. |

| | |
|-------------|-----------|
| Sanderford. | Woodruff. |
| Small. | Woodul. |
| Stone. | Woodward. |

Present—Not Voting.

DeBerry.

Absent—Excused.

Collie.

Duggan.

House Bill No. 100.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 100, A bill to be entitled "An Act making appropriation for the support and maintenance of the General Land Office, and particularly making an appropriation for a special audit to be made by or under the direction of the Commissioner of the General Land Office of all books and accounts of oil companies relative to the bonus and rentals due on sold public school lands, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 100 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie.

Duggan.

Read third time and finally passed by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Hopkins. | Regan. |
| Holbrook. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Senate Bill No. 80.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Hornsby:

S. B. No. 80, A bill to be entitled "An Act to authorize the Board of Regents of The University of Texas to execute bond in a sum not in excess of one million two hundred thousand dollars, to obtain funds with which to complete the Main Building of The University of Texas; to pledge that part of the available University fund arising from grazing and other surface leases of University lands to secure same; and to authorize said Board to make contracts for the construction of dormitories, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 80 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-----------|
| Beck. | Moore. |
| Blackert. | Murphy. |
| Cousins. | Neal. |
| DeBerry. | Oneal. |
| Fellbaum. | Pace. |
| Greer. | Parr. |
| Hopkins. | Patton. |
| Holbrook. | Poage. |
| Hornsby. | Purl. |
| Martin. | Rawlings. |

| | |
|-------------|-----------|
| Redditt. | Stone. |
| Regan. | Woodruff. |
| Russek. | Woodul. |
| Sanderford. | Woodward. |
| Small. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Read third time and finally passed by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Russek. |
| Martin. | Sanderford. |
| Moore. | Small. |
| Murphy. | Stone. |
| Neal. | Woodruff. |
| Oneal. | Woodul. |
| Pace. | Woodward. |

Nays—1.

DeBerry.

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

H. C. R. No. 20.

The Chair laid before the Senate by unanimous consent:

H. C. R. No. 20, Relating to support and maintenance fund of A. and M. Firemen's Training School. Read and adopted.

Senate Bill No. 101.

Senator Murphy asked unanimous consent to take up out of its regular order S. B. No. 101.

Objection was heard.

Senator Murphy moved to suspend the regular order of business and take up S. B. No. 101. The motion prevailed by the following vote:

Yeas—27.

| | |
|-----------|----------|
| Beck. | Hornsby. |
| Blackert. | Martin. |
| Cousins. | Moore. |
| Fellbaum. | Murphy. |
| Greer. | Neal. |
| Holbrook. | Oneal. |
| Hopkins. | Pace. |

| | |
|-----------|-------------|
| Parr. | Sanderford. |
| Patton. | Small. |
| Poage. | Stone. |
| Rawlings. | Woodruff. |
| Redditt. | Woodul. |
| Regan. | Woodward. |
| Russek. | |

Present—Not Voting.

| | |
|----------|-------|
| DeBerry. | Purl. |
|----------|-------|

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

The Chair laid before the Senate on its second reading the following bill:

By Senator Murphy:

S. B. No. 101, A bill to be entitled "An Act granting permission to The Gainesville Red River Bridge Company to sue the State Highway Commission as such, and the State of Texas upon a purported contract; fixing venues; making an appropriation to cover the expenses of the Attorney General in defending such suit; providing for the payment of any judgment which may be recovered against the Highway Commission as such and/or the State of Texas; providing for appeals, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Murphy the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 101 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Purl. |
| DeBerry. | Poage. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Read third time and finally passed by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Nays—1.

Poage.

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Senate Bill No. 55.

Senator Redditt asked unanimous consent to take up out of its regular order S. B. No. 55.

Objection was heard.

Senator Redditt moved to suspend the regular order of business and take up S. B. No. 55. The motion prevailed by the following vote:

Yeas—26.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Patton. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Nays 2.

| | |
|----------|--------|
| DeBerry. | Poage. |
|----------|--------|

Present—Not Voting.

Purl.

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 55, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to pay out funds credited to the State Highway Fund premiums on surety bonds required by the Federal Government of the State Treasurer to secure funds advanced to the State of Texas under the National Industrial Recovery Act for expenditure by the State Highway Department in the construction and improvement of State highways, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. 55 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie. Duggan.

Read third time and finally passed by the following vote:

Yeas—29.

| | |
|-----------|----------|
| Beck. | Hornsby. |
| Blackert. | Martin. |
| Cousins. | Moore. |
| DeBerry. | Murphy. |
| Fellbaum. | Neal. |
| Greer. | Oneal. |
| Holbrook. | Pace. |
| Hopkins. | Parr. |

| | |
|-----------|-------------|
| Patton. | Sanderford. |
| Poage. | Small. |
| Purl. | Stone. |
| Rawlings. | Woodruff. |
| Redditt. | Woodul. |
| Regan. | Woodward. |
| Russek. | |

Absent—Excused.

Collie. Duggan.

Senate Bill No. 65.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Duggan:

S. B. No. 65, A bill to be entitled "An Act amending Section 1 of Chapter 207, Acts of the Forty-third Legislature, so as to authorize the Highway Commission to institute condemnation proceedings on behalf of the State, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Hornsby sent up the following amendment:

Amend Senate Bill No. 65 by striking out after the word "purposes", line 22, the words "timber, earth, stone, gravel or other material."

HORNSBY.

Read and adopted.

Amend S. B. No. 65 by striking out after the words "lands for", line 40, the words, "material or".

HORNSBY.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—27.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Nays—2.

Martin. Small.
Absent—Excused.
Collie. Duggan.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 65 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie. Duggan.

Read third time and finally passed by the following vote:

Yeas—27.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Nays—2.

Martin. Small.
Absent—Excused.
Collie. Duggan.

Senate Bill No. 61.

The Chair laid before the Senate on its second reading the following bill:

By Senator Duggan:

S. B. No. 61, A bill to be entitled "An Act amending Articles 2702, 2703, and 2724, of the Revised Civil Statutes of Texas, 1925, relating to the county unit system of education, and declaring an emergency."

Read second time.

By unanimous consent, the bill was laid on the table subject to call.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, October 19, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid on the table by a vote of 83 yeas and 22 nays the following bill:

H. B. No. 47, A bill to be entitled "An Act requiring in certain instances after twenty years, in other instances after seven years, and in other instances after stipulated periods, individuals, companies, corporations, and associations holding certain unclaimed deposits of money and certain unclaimed property for storage or safe-keeping or otherwise, and companies, corporations, and associations holding certain unclaimed dividends, profits, debts, and interest on debts, and requiring certain county and district court officials holding funds in trust paid in under order of the court to report annually, under oath, such unclaimed deposits of money, property, dividends, profits, debts, and interest on debts so held to the Comptroller of Public Accounts; setting forth the requirements of such reports, and providing penalties for false reports and for failure to report; requiring the Comptroller of Public Accounts to keep an index of the contents of said reports, etc., and declaring an emergency."

The House has adopted the following bill:

H. B. No. 149, A bill to be entitled "An Act to amend House Bill No. 231, Chapter 102, page 225, General Laws, passed at the Regular Session of the Forty-third Legislature, State of Texas, by extending the period within which relief may be granted to debtors coming under the provisions of said Act, and extending the terms and provisions and the relief

granted under said Act to and including the first day of January, A. D. 1935; amending Sections 1 and 11 of said Act; fixing a State policy, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 149 referred to Committee on Agricultural Affairs.

Conference Committee Report.

Senator Oneal sent up the following conference committee report:

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences, between the two Houses, on H. B. No. 53, have had the same under consideration, and we recommend that said bill be passed in the form, substance, and text as submitted herewith:

H. B. No. 53.

A BILL

To Be Entitled

An Act to amend Section 6, Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, by adding thereto Section 6A, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof, in the transportation of his poultry, dairy, livestock and farm products, grown or produced by him, to market or to other points for processing and for the transportation of supplies by the owner of such commercial motor vehicle from place of purchase, to his own farm or ranch for his exclusive use; provided, however, that all commercial motor vehicles truck-tractors, road tractors, trailers and semi-trailers as defined in Section 1, Chapter 23 of the General Laws of the Fifth Called Session, Forty-first Legislature, not coming within the provisions of this Act shall be required to pay

all registration and license fees prescribed by the other provisions of Chapter 88, General Laws, Forty-first Legislature, Second Called Session; prescribing penalties for violation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 6, Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, be amended by adding thereto Section 6A, reading as follows:

"Sec. 6A. When a commercial motor vehicle sought to be registered is of gross weight and pounds of from one to six thousand pounds, or from six thousand and one to eight thousand pounds, and consists of a truck without a trailer or semi-trailer, and is to be used by the owner thereof only in the transportation of his own poultry, dairy, livestock, and farm products to market, or to other points for processing, or the transportation by the owner thereof of supplies, from the place of purchase, to his own farm or ranch, exclusively for his own use, the registration license fee, for the weight classifications herein mentioned shall be fifty per cent (50%) of the registration fee prescribed for these weight classifications in Section 6, of the Act hereby amended; provided further, that it shall be the duty of the Highway Commission to provide license plates of different color or size, so as to distinguish them from license plates issued for other commercial motor vehicles using the highways; provided further, if the owner of any commercial motor vehicle, coming within the provisions of this Act shall use or permit to be used any such vehicle for any other purpose than those provided for in this Act, he shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), and each use of such vehicle and each permission for such use of such vehicle shall constitute a separate offense; provided, however, that all commercial motor vehicles, truck-tractors, road tractors, trailers and semi-trailers as defined in Section 1 of Chapter 23 of the General Laws of the Fifth Called Session of the

Forty-first Legislature, not coming within the provisions of this Act shall be required to pay all registration and license fees prescribed by the other provisions of Chapter 88, General Laws, Forty-first Legislature, Second Called Session."

Sec. 2. The fact that there are a large number of farmers and ranchmen, who operate trucks without trailers or semi-trailers, for transportation of livestock, poultry, dairy, and farm products, to market, and transportation of supplies for their own use in their own motor vehicles and the fees now prescribed therefore are excessive creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,

ONEAL,
POAGE,
SMALL,
REGAN,
DUGGAN,

On the part of the Senate.

MOFFETT,
ALEXANDER,
METCALFE,
WAGSTAFF,
BECK,

On the part of the House.

Read and adopted by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie. Duggan.

Senate Bill No. 50.

Senator Woodul asked unanimous consent to take up out of its regular order S. B. No. 50.

Objection was heard.

Senator Woodul moved to suspend the regular order of business and take up S. B. No. 50. The motion prevailed by the following vote:

Yeas—23.

| | |
|-----------|-------------|
| Beck. | Patton. |
| Blackert. | Rawlings. |
| Cousins. | Redditt. |
| Fellbaum. | Regan. |
| Holbrook. | Russek. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Pace. | Woodward |
| Parr. | |

Nays—4.

| | |
|----------|---------|
| DeBerry. | Martin. |
| Greer. | Poage. |

Present—Not Voting.

| | |
|--------|-------|
| Oneal. | Purl. |
|--------|-------|

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 50, A bill to be entitled "An Act to amend Chapter 13, Acts of the Third Called Session of the Forty-second Legislature as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, by adding thereto a section to be known as Section 7a, providing that the Board of County and District Road Indebtedness shall keep adequate minutes of its proceedings and make semi-annual reports to each county and giving the commissioners' court of any county the right to inspect and audit the records of said board and of the State Treasurer and requiring said Board of County and District Road Indebtedness to make annual re-

ports to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and providing for the return to each county affected of all moneys and securities belonging to it in the event Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended, shall be repealed or become inoperative for any reason; and providing that the funds of the several counties shall be deposited in State depositories and draw interest for said counties and that interest earned on securities be credited to the owner county; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The five committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 50 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie. Duggan.

Read third time and finally passed by the following vote:

Yeas—29.

| | |
|-----------|----------|
| Beck. | Hornsby. |
| Blackert. | Martin. |
| Cousins. | Moore. |
| DeBerry. | Murphy. |
| Fellbaum. | Neal. |
| Greer. | Oneal. |
| Holbrook. | Pace. |
| Hopkins. | Parr. |

| | |
|-----------|-------------|
| Patton. | Sanderford. |
| Poage. | Small. |
| Purl. | Stone. |
| Rawlings. | Woodruff. |
| Redditt. | Woodul. |
| Regan. | Woodward. |
| Russek. | |

Absent—Excused.

Collie. Duggan.

Senate Bill No. 75.

Senator Martin asked unanimous consent to take up out of its regular order S. B. No. 75.

Objection was heard.

Senator Martin moved to suspend the regular order of business and take up S. B. No. 75. The motion prevailed by the following vote:

Yeas—27.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Rawlings. |
| Fellbaum. | Redditt. |
| Greer. | Regan. |
| Holbrook. | Russek. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Nays—2.

DeBerry. Poage.

Present—Not Voting.

Purl.

Absent—Excused.

Duggan.

The Chair laid before the Senate on its second reading the following bill:

By Senator Martin:

S. B. No. 75, A bill to be entitled "An Act making appropriations to pay contingent expenses of State prosecuting attorneys before the Court of Criminal Appeals; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 75 was put on its third reading and final passage by the following vote:

Yeas—30.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Duggan.

Read third time and finally passed by the following vote:

Yeas—30.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poags. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Duggan.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 37, Authorizing and directing the Adjutant General of the State of Texas to select an ap-

propriate design of service medal and service ribbon for citizens of Texas who served in certain wars of the United States.

The House has passed the follow bill:

S. B. No. 46, A bill to be entitled "An Act creating and establishing an official public agency of the State of Texas, the official title of which shall be 'Texas Employment and Relief Commission' and designating the membership thereof and prescribing the duties of said commission, authorizing the issuance of \$7,500,000.00 in bonds under authority of Section 51a, Article 3, of the Constitution of the State of Texas and providing the method of issuance, the sale and distribution of the proceeds arising from the sale thereof, designating the commissioners' courts of the several counties in Texas as public agencies in connection with the distribution of said funds and designating the governing boards of cities and towns as public agencies for the purpose of distributing said funds, defining the duties of the county commissioners and other persons delegated to act in conjunction with the Texas Employment and Relief Commission and the commissioners' courts, defining the purposes for which said money may be expended and defining the terms and conditions thereof, authorizing the employment of an executive secretary and other assistants, fixing salaries and requiring department heads and other State employees to render assistance in connection with the distribution of the funds, making it an offense to embezzle, misapply or convert said funds, repealing H. B. No. 897, Chapter 141, Acts of the Forty-third Legislature at its Regular Session which created the Texas Rehabilitation and Relief Commission, and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 103.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Blackert, Hopkins and Parr:

S. B. No. 103, A bill to be entitled "An Act to provide for the granting of charters for corporations, and the renewal thereof, for the purchase, sale and distribution of water and water rights, and the building of pipe lines, plants and the equipment thereof; to provide the conditions under which charters for the same may be granted and to authorize such corporations to borrow money from the Government of the United States of America or any agency thereof and to issue its notes and bonds as evidence of its indebtedness; to authorize the issuance of stock on which shall be paid no dividends, and to provide for the distribution of the profits of such corporation to towns, cities and other political subdivisions of the State as well as private corporations and individuals who shall be customers of such corporation in the purchase of water, said dividends to be issued in direct proportion to the amount of business transacted by such contractees with said corporation; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Blackert the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 103 was put on its third reading and final passage by the following vote:

Yeas—30.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Duggan.

Read third time and finally passed by the following vote:

Yes—28.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Russek. |
| Martin. | Sanderford. |
| Moore. | Small. |
| Murphy. | Stone. |
| Neal. | Woodruff. |
| Oneal. | Woodul. |
| Pace. | Woodward. |

Nays—2.

Collie. DeBerry.

Absent—Excused.

Duggan.

Senate Bill No. 98.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Rawlings:

S. B. No. 98, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to purchase, acquire and construct permanent improvements, including dormitories, stadiums, and athletic fields, and for the improvement of such structures heretofore erected, providing for the equipping and furnishing of the same, providing for the insurance and registration of revenue bonds and revenue notes, and for disposition and pledging of the revenues derived from the operation and control of such dormitories, athletic fields, stadiums, and other improvements, authorizing the purchase and sale of certain lands, imposing the power to contract and vesting general authority in the Board of Directors for the purposes of carrying out the provisions hereof, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time.

Senator Redditt sent up the following amendments:

Amend S. B. No. 98 by adding a new section known as 8-A to read as follows: "all of the rights, powers and authority herein granted to the Board of Directors of A. & M. College shall rest in the Board of Regents of Stephen F. Austin State Teachers College at Nacogdoches, and the Board of Regents of said College shall have the right to do any and everything herein granted to the Directors of A. & M. College.

REDDITT.

Read and adopted.

Amend caption to S. B. No. 98 by inserting after the word "Texas" in line 3, the following: "and the Board of Regents of Stephen F. Austin State Teachers College," and after the word "Directors" in line 19, the following: "and Board of Regents."

REDDITT.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Sanderford the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 was put on its third reading and final passage by the following vote:

Yeas—30.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Duggan.

Read third time and finally passed by the following vote:

Yeas—26.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Pace. | Woodward. |

Nays—4.

| | |
|----------|--------|
| Collie. | Oneal. |
| DeBerry. | Poage. |

Absent—Excused.

Duggan.

Senate Bill No. 37.

The Chair laid before the Senate on its second reading the following bill:

By Senators Parr, Beck, Sanderford, Martin, Hopkins, Fellbaum, Greer, Small, Hornsby, Duggan, Neal, Blackert, Murphy, Russek, Woodul and Regan:

S. B. No. 37, A bill to be entitled "An Act to provide for the suppression of typhus fever in Texas through the control of rodent transmitters thereof; providing for survey of infested areas; making an appropriation to carry out the provisions of this Act; directing how same shall be expended; providing for the cooperation of the State of Texas through the State Department of Health with the U. S. Biological Survey; enacting other provisions necessary and incidental to the general purpose of this Act; declaring that the unconstitutionality or invalidity of any part of this Act shall not affect any other part thereof; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Holbrook moved to indefinitely postpone the further consideration of the bill. The motion was lost by the following vote:

Yeas—6.

| | |
|-----------|-----------|
| DeBerry. | Poage. |
| Holbrook. | Rawlings. |
| Oneal. | Woodward. |

Nays—20.

| | |
|-----------|-------------|
| Beck. | Patton. |
| Fellbaum. | Purl. |
| Greer. | Redditt. |
| Hornsby. | Regan. |
| Martin. | Russek. |
| Moore. | Sanderford. |
| Murphy. | Small. |
| Neal. | Stone. |
| Pace. | Woodruff. |
| Parr. | Woodul. |

Absent.

| | |
|-----------|----------|
| Blackert. | Hopkins. |
| Cousins. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

The bill was passed to engrossment by the following vote:

Yeas—12.

| | |
|-----------|---------|
| Beck. | Parr. |
| Fellbaum. | Patton. |
| Hopkins. | Regan. |
| Martin. | Russek. |
| Moore. | Stone. |
| Neal. | Woodul. |

Nays—11.

| | |
|-----------|-----------|
| Blackert. | Oneal. |
| DeBerry. | Poage. |
| Greer. | Purl. |
| Holbrook. | Rawlings. |
| Hornsby. | Woodward. |
| Murphy. | |

Absent.

| | |
|----------|-------------|
| Cousins. | Sanderford. |
| Pace. | Small. |
| Redditt. | Woodruff. |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

The motion of Senator Parr to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—13.

| | |
|-----------|---------|
| Beck. | Parr. |
| Fellbaum. | Patton. |
| Greer. | Regan. |
| Hopkins. | Russek. |
| Martin. | Stone. |
| Moore. | Woodul. |
| Neal. | |

Nays—9.

| | |
|-----------|-----------|
| Blackert. | Oneal. |
| DeBerry. | Poage. |
| Holbrook. | Rawlings. |
| Hornsby. | Woodward. |
| Murphy. | |

Present—Not Voting.

Purl.

Absent.

| | |
|----------|-------------|
| Cousins. | Sanderford. |
| Pace. | Small. |
| Redditt. | Woodruff. |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

(Four-fifths vote required.)

Senate Bill No. 18.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 18, A bill to be entitled "An Act to provide for the enforcement of liens upon realty owned by deceased persons or in which the estate of deceased persons may be interested; and to provide that such liens need not be enforced in the probate court; and to provide for the enforcement of deed of trust liens against such real estate by the exercise of power of sale; and to provide for the enforcement of liens upon realty owned by the estate of a deceased person or in which such estate is interested by suit in the district court; providing this method to be cumulative of present methods, and creating an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 100.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Woodul, Sanderford, Martin, Holbrook, Moore, Blackert, and Redditt:

S. B. No. 100, A bill to be entitled "An Act relieving persons, firms, associations and corporations, engaged in selling or furnishing water for irrigation, from all obligations, except contractual obligations, to furnish water for irrigation of rice crops in violation of any agreement made or hereafter entered into between such persons, firms, associations and corporations and the Secretary of Agriculture of the United States of America pursuant to and under the terms of an Act of Congress entitled 'The Agricultural Adjustment Act,' approved May 12, 1933, and any amendments thereto; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 100 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Blackert. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

Collie. Duggan.

Read third time and finally passed by the following vote:

Yeas—27.

| | |
|-----------|----------|
| Beck. | Hopkins. |
| Blackert. | Hornsby. |
| Cousins. | Martin. |
| Fellbaum. | Moore. |
| Greer. | Murphy. |
| Holbrook. | Neal. |

| | |
|-----------|-------------|
| Oneal. | Russek. |
| Pace. | Sanderford. |
| Parr. | Small. |
| Patton. | Stone. |
| Purl. | Woodruff. |
| Rawlings. | Woodul. |
| Redditt. | Woodward. |
| Regan. | |

Nays—1.

Poage.

Present—Not Voting.

DeBerry.

Absent—Excused.

Collie.

Duggan.

Senate Bill No. 23.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 23, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways or bridges of the State of Texas, whether as a common carrier, contract or charter carrier, or as a transportation agency or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as a broker for hire, agent or otherwise, whereby the expense of a trip or trips is to be shared or to solicit, induce or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses; providing this Act shall not apply to vehicles operated within a radius of five (5) miles of any city, town or village; requiring an examination of the public records in order to ascertain if the owner, chauffeur, driver or operator of the motor vehicle has properly complied with the laws of this State; repealing all laws in conflict herewith; and making the violation of this Act a misdemeanor; providing if any part of this Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Read second time.

The Chair substituted for S. B. No. 23 the following House bill on the same subject:

H. B. No. 63, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways, or bridges of the State of Texas, whether as a common carrier, contract, or charter carrier, or as a transportation agency or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as a broker for hire, agent, or otherwise, whereby the expense of a trip or trips is to be shared, or to solicit, induce, or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver, or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 63 was put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

| | |
|---------|-----------|
| Collie. | Rawlings. |
| Duggan. | |

Read third time and finally passed.

Senators Poage and DeBerry asked to be recorded as voting "No."

Senate Bill No. 48.

The Chair laid before the Senate on its second reading the following bill:

By Senator Sanderford:

S. B. No. 48, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts to prescribe and prepare forms to be used in all counties not having a county auditor in the collection and disbursement of revenues, funds, fees, and other moneys, and to prescribe the mode and manner of keeping and stating their financial accounts; authorizing the State Comptroller to make a survey and study of the financial records, reports, books, and forms now in use by the counties of this State, and to make such revision and to prescribe such forms which may be necessary; and authorizing the State Comptroller to employ a certified public accountant for said purposes; making an appropriation; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 48 by striking out everything after the word "necessary" in Section 2, page 2.

Amend caption to conform.

DeBERRY,
POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Sanderford the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Neal. |
| Blackert. | Oneal. |
| Cousins. | Pace. |
| DeBerry. | Parr. |
| Fellbaum. | Patton. |
| Greer. | Poage. |
| Holbrook. | Purl. |
| Hopkins. | Redditt. |
| Hornsby. | Regan. |
| Martin. | Russek. |
| Moore. | Sanderford. |
| Murphy. | Small. |

Stone. Woodul.
Woodruff. Woodward.

Absent—Excused.

Collie. Rawlings.
Duggan.

Read third time and finally passed
by the following vote:

Yeas—27.

| | |
|-----------|-------------|
| Beck. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Nays—1.

Blackert.

Absent—Excused.

Collie. Rawlings.
Duggan.

Conference Requested.

On motion of Senator Woodward the Senate refused to concur in the House amendments to S. B. No. 46 and requested the appointment of a free conference committee.

The Chair appointed the following on the part of the Senate:

Senators Woodward, Small, Rawlings, Redditt, and Martin.

Senate Bill No. 71.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 71, A bill to be entitled "An Act to amend Article 5155, Revised Civil Statutes 1925 as amended by the Regular Session of the Forty-third Legislature, 1933, providing for payment of wages semi-monthly; amending Article 5157, providing for penalty; repealing Article 5158 and Article 5159, Revised Civil Statutes 1925; excepting municipal corporations and wages earned in agricultural and stock raising pursuits, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Poage the two committee amendments were tabled.

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 71 was put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Collie. Rawlings.
Duggan.

Read third time and finally passed
by the following vote:

Yeas—28.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Russek. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |

Absent—Excused.

Collie. Rawlings.
Duggan.

Senate Bill No. 62.

Senator Moore asked unanimous consent to take up out of its regular order S. B. No. 62.

Objection was heard.

Senator Moore moved to suspend the regular order of business and take up S. B. No. 62. The motion prevailed by the following vote:

Yeas—15.

| | |
|-----------|----------|
| Beck. | Patton. |
| Cousins. | Purl. |
| Fellbaum. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Russek. |
| Moore. | Stone. |
| Pace. | Woodul. |
| Parr. | |

Nays—4.

| | |
|-----------|---------|
| DeBerry. | Martin. |
| Holbrook. | Murphy. |

Present—Not Voting.

| | |
|-------------|-----------|
| Sanderford. | Woodruff. |
| Small. | Woodward. |

Absent.

| | |
|-----------|--------|
| Blackert. | Oneal. |
| Greer. | Poage. |
| Neal. | |

Absent—Excused.

| | |
|---------|-----------|
| Collie. | Rawlings. |
| Duggan. | |

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 62, A bill to be entitled "An Act amending Article 2688, Title 49, Chapter 11 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, H. B. No. 904, Chapter 357, General Laws, of the Regular Session of the Forty-second Legislature (same likewise appearing printed as H. B. No. 904, Chapter 212, page 246, Special Laws of the Regular Session of the Forty-second Legislature), and as further amended by Acts, 1932, H. B. No. 51, Chapter 21, pages 47 and 48, of the Third Called Session of the Forty-second Legislature, establishing the office of county superintendent of public instruction and providing that the commissioners court of every county which has three (3,000) thousand scholastic population or more, as shown by the preceding scholastic census, shall, at the next general election after 1934,

and likewise each four years thereafter, provide for the election of a county superintendent of public instruction to serve for a term of four (4) years; providing educational and other qualifications and prescribing certification of such county superintendents, and providing that the commissioners court shall provide such official with an office in the court house and with necessary office furniture and fixtures and equipment; etc., and declaring an emergency."

Read second time.

Senator Holbrook moved to indefinitely postpone the further consideration of the bill.

Senator Moore moved to table the motion. The motion to table prevailed.

The bill was read second time and passed to engrossment by the following vote:

Yeas—13.

| | |
|----------|-----------|
| Beck. | Patton. |
| Greer. | Regan. |
| Hornsby. | Russek. |
| Moore. | Stone. |
| Neal. | Woodul. |
| Pace. | Woodward. |
| Parr. | |

Nays—11.

| | |
|-----------|-------------|
| Cousins. | Murphy. |
| DeBerry. | Oneal. |
| Fellbaum. | Poage. |
| Holbrook. | Purl. |
| Hopkins. | Sanderford. |
| Martin. | |

Present—Not Voting.

Rawlings.

Absent.

| | |
|-----------|-----------|
| Blackert. | Small. |
| Redditt. | Woodruff. |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

The motion of Senator Moore to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—18.

| | |
|-----------|----------|
| Beck. | Greer. |
| Blackert. | Hopkins. |
| Fellbaum. | Hornsby. |

| | |
|---------|-------------|
| Moore. | Regan. |
| Neal. | Russek. |
| Pace. | Sanderford. |
| Parr. | Stone. |
| Patton. | Woodul. |
| Purl. | Woodward. |

Nays—6.

| | |
|-----------|---------|
| DeBerry. | Murphy. |
| Holbrook. | Oneal. |
| Martin. | Poage. |

Absent.

| | |
|----------|-----------|
| Cousins. | Small. |
| Redditt. | Woodruff. |

Absent—Excused.

| | |
|---------|-----------|
| Collie. | Rawlings. |
| Duggan. | |

(Four-fifths vote required.)

Senate Bill No. 30.

Senator Martin called up from the table S. B. No. 30.

Senator Purl sent up again the amendment which he withdrew before the bill was laid on the table subject to call.

The amendment was read and lost by the following vote:

Yeas—7.

| | |
|-----------|---------|
| DeBerry. | Murphy. |
| Greer. | Oneal. |
| Holbrook. | Purl. |
| Hornsby. | |

Nays—18.

| | |
|-----------|-------------|
| Blackert. | Patton. |
| Cousins. | Rawlings. |
| Fellbaum. | Redditt. |
| Hopkins. | Regan. |
| Martin. | Russek. |
| Moore. | Sanderford. |
| Neal. | Stone. |
| Pace. | Woodul. |
| Parr. | Woodward. |

Absent.

| | |
|--------|-----------|
| Beck. | Small. |
| Poage. | Woodruff. |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Senator Martin sent up the following amendments:

Amend S. B. No. 30, page 2, by inserting after the word "cents" in the third line the following:

"When receipt issued covers property taxes."

MARTIN.

Read and adopted.

Amend S. B. No. 30, page 2, by adding after the word "services" in line 4, the following:

"And further provided he shall not retain more than One Thousand Two Hundred (\$1,200.00) Dollars for any one calendar year, and the balance, if any, shall be deposited to the credit of the General Fund of the County."

MARTIN.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—18.

| | |
|-----------|-------------|
| Blackert. | Patton. |
| Cousins. | Rawlings. |
| Fellbaum. | Redditt. |
| Hopkins. | Regan. |
| Martin. | Russek. |
| Moore. | Sanderford. |
| Neal. | Stone. |
| Pace. | Woodul. |
| Parr. | Woodward. |

Nays—7.

| | |
|-----------|--------|
| DeBerry. | Oneal. |
| Holbrook. | Poage. |
| Hornsby. | Purl. |
| Murphy. | |

Absent.

| | |
|--------|-----------|
| Beck. | Small. |
| Greer. | Woodruff. |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 30 was put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|-----------|-------------|
| Blackert. | Pace. |
| Cousins. | Parr. |
| Fellbaum. | Patton. |
| Hopkins. | Poage. |
| Hornsby. | Purl. |
| Martin. | Rawlings. |
| Moore. | Redditt. |
| Murphy. | Regan. |
| Neal. | Russek. |
| Oneal. | Sanderford. |

Small. Woodruff.
Stone. Woodward.

Nays—2.

DeBerry. Holbrook.

Absent.

Beck. Greer.

Absent—Excused.

Collie. Duggan.

Read third time and finally passed
by the following vote:

Yeas—16.

Blackert. Patton.
Cousins. Rawlings.
Fellbaum. Redditt.
Martin. Regan.
Moore. Russek.
Neal. Sanderford.
Pace. Woodul.
Parr. Woodward.

Nays—7.

DeBerry. Oneal.
Holbrook. Poage.
Hornsby. Purl.
Murphy.

Absent.

Beck. Small.
Greer. Stone.
Hopkins. Woodruff.

Absent—Excused.

Collie. Duggan.

Recess.

Senator Woodward moved to adjourn until 10 o'clock tomorrow morning.

Senator Woodul moved to recess until 8 o'clock tonight. The motion to recess prevailed, and at 5:58 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Special Order Set.

Senator Woodruff received unanimous consent to have H. B. No. 64 set as special order tomorrow morning at 11 o'clock.

Senator Oneal received unanimous

consent to have H. B. No. 10 set as special order tomorrow immediately following H. B. No. 64.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, October 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 105, A bill to be entitled "An Act appropriating \$25,000 out of any funds of the State of Texas not otherwise appropriated, to be used to pay additional expense of publication of eight proposed amendments to the Constitution of Texas and for the subsequent holding of a general election at which said amendments are to be voted upon, said amount being herein appropriated to be used as payment of any difference in the amount of the costs of the publication of said amendments and holding of said election over and above the amounts of money already appropriated for said purpose, and declaring an emergency."

H. B. No. 121, A bill to be entitled "An Act appropriating the sum of \$1,200 for each of the two years beginning September 1, 1933, and September 1, 1934, to pay the traveling and living expenses of Justices of the several Courts of Civil Appeals in hearing oral arguments in transferred cases under the provisions of Chapter 151, of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act making an appropriation out of the General Revenue of the State of Texas for the balance of the fiscal year ending August 31, 1934, to be used by the Texas State Parks Board, and declaring an emergency."

H. B. No. 195, A bill to be entitled "An Act making an appropriation to pay for fuel, light, and water for the Court of Civil Appeals, First Supreme Judicial District, at Galveston, Texas, and the Court of Civil Appeals, Sixth Supreme Judicial District, at Texarkana, Texas, for the fiscal years ending August 31, 1934, and August 31, 1935, respectively, and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act amending Subsection 4 and Subsection 5, of Section 2 and Section 9, Chapter 162, House Bill No. 154, Acts of the Forty-third Legislature, Regular Session providing for monthly payment of tax levied, and prescribing the date upon which tax shall be paid, by whom it shall be paid; providing that if said tax is withheld by the purchaser and said purchaser fails to make payment of said tax to the State that the producer may have legal action against the purchaser by reason of such failure, and providing for attorney's fee; etc., and declaring an emergency."

H. B. No. 183, A bill to be entitled "An Act to declare in force the amendment to Section 1-a, Article VIII, of the State Constitution, ratified by the voters of the State at a special session held on August 26, 1933; providing the manner of claiming exemption from State ad valorem taxes on residence homesteads; providing for partial exception from State ad valorem taxes assessed for the year, 1933, against residence homesteads in certain areas; providing that the State Comptroller of Public Accounts shall devise procedure under this Act; providing for the validity of the remainder of the Act if any portion be adjudged unconstitutional, and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act, fixing the compensation of the county commissioners in every county having a population of not less than fifty-three thousand five hundred (53,500) nor more than fifty-four thousand (54,000) inhabitants, according to the last preceding United States Census, and prescribing how same shall be paid; etc., and declaring an emergency."

S. C. R. No. 22, Endorsing the Honorable Adam R. Johnson for a position on the Board of Paroles.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 37.

The Chair laid before the Senate:
H. C. R. No. 37, Relative to a service medal and service ribbon for veterans of certain wars.

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended. The resolution was adopted.

House Bill No. 127.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 127, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5-b (Article 3886-b), providing for the maximum compensation of assistant county attorneys in all counties in this State having a population of one hundred thousand and one (100,001) inhabitants, and not more than one hundred and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal census, etc., and declaring an emergency."

Read second time and passed to third reading by the following vote:

Yeas—13.

| | |
|-----------|-----------|
| Blackert. | Rawlings. |
| Cousins. | Redditt. |
| Fellbaum. | Regan. |
| Hopkins. | Stone. |
| Martin. | Woodul. |
| Neal. | Woodward. |
| Parr. | |

Nays—9.

| | |
|-----------|-----------|
| Beck. | Murphy. |
| DeBerry. | Oneal. |
| Holbrook. | Poage. |
| Hornsby. | Woodruff. |
| Moore. | |

Absent.

| | |
|---------|-------------|
| Greer. | Russek. |
| Pace. | Sanderford. |
| Patton. | Small. |
| Purl. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 127 was put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|-----------|-----------|
| Beck. | Cousins. |
| Blackert. | Fellbaum. |

| | |
|-----------|-----------|
| Holbrook. | Poage. |
| Hopkins. | Rawlings. |
| Hornsby. | Redditt. |
| Martin. | Regan. |
| Murphy. | Small. |
| Neal. | Stone. |
| Oneal. | Woodruff. |
| Pace. | Woodul. |
| Parr. | Woodward. |

Nays—2.

| | |
|----------|--------|
| DeBerry. | Moore. |
|----------|--------|

Absent.

| | |
|---------|-------------|
| Greer. | Russek. |
| Patton. | Sanderford. |
| Purl. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Read third time and finally passed by the following vote:

Yeas—15.

| | |
|-----------|-----------|
| Blackert. | Rawlings. |
| Cousins. | Redditt. |
| Fellbaum. | Regan. |
| Hopkins. | Small. |
| Martin. | Stone. |
| Neal. | Woodul. |
| Pace. | Woodward. |
| Parr. | |

Nays—9.

| | |
|-----------|-----------|
| Beck. | Murphy. |
| DeBerry. | Oneal. |
| Holbrook. | Poage. |
| Hornsby. | Woodruff. |
| Moore. | |

Absent.

| | |
|---------|-------------|
| Greer. | Russek. |
| Patton. | Sanderford. |
| Purl. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

House Bill No. 110.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 110, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Red River County, except a seine or net of not less than two-inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; repealing all laws and parts of laws in conflict

herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 110 was put on its third reading and final passage by the following vote:

Yeas—24.

| | |
|-----------|-----------|
| Beck. | Oneal. |
| Blackert. | Pace. |
| Cousins. | Parr. |
| DeBerry. | Poage. |
| Fellbaum. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodul. |
| Murphy. | Woodruff. |
| Neal. | Woodward. |

Absent.

| | |
|---------|-------------|
| Greer. | Russek. |
| Patton. | Sanderford. |
| Purl. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Read third time and finally passed by the following vote:

Yeas—24.

| | |
|-----------|-----------|
| Beck. | Oneal. |
| Blackert. | Pace. |
| Cousins. | Parr. |
| DeBerry. | Poage. |
| Fellbaum. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |

Absent.

| | |
|---------|-------------|
| Greer. | Russek. |
| Patton. | Sanderford. |
| Purl. | |

Absent—Excused.

| | |
|---------|---------|
| Collie. | Duggan. |
|---------|---------|

Senate Bill No. 90.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 90. A bill to be entitled "An Act authorizing certain independent school districts to receive donations of cash and donations of land upon which to build, erect and construct buildings in which its junior colleges may be maintained and operated and wherein an additional two years college work may be taught so as to constitute a university; authorizing the board of education or board of trustees of such school districts to borrow money from the Federal Emergency Administration of Public Works under the provisions of the National Industrial Recovery Act, or from any other source, for the purpose of building, erecting and constructing on such lands buildings for such purposes and the purchasing of necessary equipment and appliances, and the installation thereof in such buildings, and to mortgage and encumber such lands, buildings, equipment and appliances and the income, rents, tolls, fees and other charges to be derived from the operation thereof, etc.; and declaring an emergency."

Read second time.

Committee Amendment No. 1 was read and lost.

Committee Amendments Nos. 2 and 3 were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|-----------|-----------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| Oneal. | |

Absent.

Greer.
Patton.

Russek.
Sanderford.

Absent—Excused.

Collie.

Duggan.

Read third time.

Senator Purl sent up the following amendment:

Amend S. B. No. 90 by adding a new section: "Provided that the terms of this Act shall not apply to any city whose population is more than 250,000 and less than 290,000, according to the last Federal census."

PURL.

The amendment was read.

Senator Woodul withdrew the bill for the time being.

Senate Bill No. 62.

Senator Martin moved to reconsider the vote by which the Senate failed to suspend the constitutional rule on S. B. No. 62. The motion prevailed.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 62 was put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|-----------|-------------|
| Beck. | Oneal. |
| Blackert. | Pace. |
| Cousins. | Parr. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Sanderford. |
| Hopkins. | Small. |
| Hornsby. | Stone. |
| Martin. | Woodruff. |
| Moore. | Woodul. |
| Neal. | Woodward. |

Nays—3.

| | |
|----------|--------|
| DeBerry. | Poage. |
| Murphy. | |

Present—Not Voting.

Purl.

Absent.

| | |
|---------|---------|
| Patton. | Russek. |
| Regan. | |

Absent—Excused.

Collie.

Duggan.

Read third time and failed to finally pass by the following vote:

Yeas—12.

| | |
|----------|-----------|
| Greer. | Parr. |
| Hornsby. | Regan. |
| Martin. | Small. |
| Moore. | Stone. |
| Neal. | Woodul. |
| Pace. | Woodward. |

Nays—13.

| | |
|-----------|-------------|
| Blackert. | Oneal. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Holbrook. | Sanderford. |
| Hopkins. | Woodruff. |
| Murphy. | |

Absent.

| | |
|----------|---------|
| Patton. | Russek. |
| Redditt. | |

Absent—Excused.

| | |
|---------|---------|
| Beck. | Duggan. |
| Collie. | |

House Bills Referred.

H. B. No. 161 referred to Committee on Finance.

H. B. No. 195 referred to Committee on Finance.

H. B. No. 121 referred to Committee on Finance.

H. B. No. 105 referred to Committee on Finance.

H. B. No. 183 referred to Committee on State Affairs.

H. B. No. 55 referred to Committee on State Affairs.

H. B. No. 207 referred to Committee on Counties and County Boundaries.

Senate Bill No. 87.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 87, A bill to be entitled "An Act to repeal Section 12, Chapter 55 of the Special Laws of the Regular Session of the Forty-third Legislature which section permits certain refunding bonds to be issued by the Commissioners' Court of Shelby County to participate in and be paid from the 'county and road district highway fund,' and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by the following vote:

Yeas—18.

| | |
|-----------|-----------|
| Cousins. | Murphy. |
| DeBerry. | Oneal. |
| Fellbaum. | Poage. |
| Greer. | Purl. |
| Holbrook. | Regan. |
| Hopkins. | Small. |
| Hornsby. | Stone. |
| Martin. | Woodruff. |
| Moore. | Woodward. |

Nays—7.

| | |
|-----------|-------------|
| Neal. | Redditt. |
| Pace. | Sanderford. |
| Parr. | Woodul. |
| Rawlings. | |

Absent.

| | |
|-----------|---------|
| Blackert. | Russek. |
| Patton. | |

Absent—Excused.

| | |
|---------|---------|
| Beck. | Duggan. |
| Collie. | |

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 87 was put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|-----------|-------------|
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Fellbaum. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Oneal. | Woodward. |

Nays—3.

| | |
|-------|-------|
| Neal. | Parr. |
| Pace. | |

Absent.

| | |
|-----------|---------|
| Blackert. | Patton. |
|-----------|---------|

Absent—Excused.

| | |
|---------|---------|
| Beck. | Duggan. |
| Collie. | Russek. |

Read third time and finally passed by the following vote:

Yeas—17.

| | |
|-----------|-----------|
| Cousins. | Murphy. |
| DeBerry. | Oneal. |
| Fellbaum. | Poage. |
| Greer. | Purl. |
| Holbrook. | Regan. |
| Hopkins. | Stone. |
| Hornsby. | Woodruff. |
| Martin. | Woodward. |
| Moore. | |

Nays—7.

| | |
|-----------|-------------|
| Neal. | Redditt. |
| Pace. | Sanderford. |
| Parr. | Woodul. |
| Rawlings. | |

Absent.

| | |
|-----------|--------|
| Blackert. | Small. |
| Patton. | |

Absent—Excused.

| | |
|---------|---------|
| Beck. | Duggan. |
| Collie. | Russek. |

Senate Bill No. 97.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hopkins:

S. B. No. 97, A bill to be entitled "An Act creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as 'The Guadalupe River Authority'; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging of the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 97 was put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|-----------|-------------|
| Cousins. | Parr. |
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

| | |
|-----------|---------|
| Beck. | Duggan. |
| Blackert. | Patton. |
| Collie. | Russek. |

Read third time and finally passed by the following vote:

Yeas—24.

| | |
|-----------|-------------|
| Cousins. | Parr. |
| Fellbaum. | Poage. |
| Greer. | Purl. |
| Holbrook. | Rawlings. |
| Hopkins. | Redditt. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Moore. | Small. |
| Murphy. | Stone. |
| Neal. | Woodruff. |
| Oneal. | Woodul. |
| Pace. | Woodward. |

Present—Not Voting.

DeBerry.

Absent—Excused.

| | |
|-----------|---------|
| Beck. | Duggan. |
| Blackert. | Patton. |
| Collie. | Russek. |

Senate Bill No. 89.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 89, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or cele-

brations in 1936; to provide for meeting requirements for such celebration or celebrations on the part of places desiring same; to create a Texas Centennial Commission with plenary powers to make all contracts in connection with such celebration or celebrations; to provide for the organization of such commission, the time of service of same, and the filling of vacancies; to provide for the incorporation of such Texas Centennial Commission; to provide for compensation for members of same; to provide for the final auditing of all accounts, and the disposition of lands, buildings and profits, the final report to the Legislature and the discharge of the commission by the Legislature; to make an appropriation for carrying out the provisions of this Act; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time.

Senator Woodul sent up the following amendment:

Amend S. B. No. 89, by inserting between lines 23 and 32 the following:

Section 10. For the purpose of carrying out the provisions of this Act, there is hereby appropriated out of the Highway Fund of the State of Texas, the sum of two hundred thousand dollars, or so much thereof as may be necessary. All moneys paid out pursuant to this Act shall be upon vouchers attested by the secretary of the commission and signed by the president thereof or some one authorized by him, a detailed report of which, properly audited, shall accompany the final report of said commission to the Legislature.

WOODUL.

The amendment was read.

Senator Moore sent up the following amendment to the amendment:

Amend the Woodul amendment as follows: "Provided that out of the first gross receipts of the Centennial the amount herein appropriated shall be returned to the State Treasury and credited to the fund from which it is appropriated, and provided further that the funds herein provided shall not become available un-

less and until the city or other political subdivision where the Centennial is held shall provide in cash an amount of money equal to the amount appropriated by the State."

MOORE.

The amendment to the amendment was read.

Senate Bill No. 73.

Senator Purl asked unanimous consent to take up out of its regular order S. B. No. 73.

Objection was heard.

Special Order Set.

Senator Oneal received unanimous consent for H. B. No. 132 to be set as special order immediately following H. B. No. 10.

Senate Bill No. 70.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 70, A bill to be entitled "An Act to authorize certain counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, drainage districts, and other municipal corporations; and non-profit private corporations, authorized and existing under the Constitution and laws of this State, to borrow money, and to receive grants and other aid from the Government of the United States, the Federal Emergency Administrator of Public Works, the Reconstruction Finance Corporation, the Federal Reserve Banks, and any and all other fiscal agencies of the Government of the United States, authorized to make loans or grants; and to authorize such counties, cities, towns and other public municipal corporations, above enumerated and described, to issue warrants, or other obligations of such corporations as evidence of such loans; and authorizing any and all such counties, cities, towns, and other public municipal corporations to pledge taxes and other prospective revenues, for which provision is made under the Constitution and laws of this State for the repayment of such loans; and declaring an emergency; and authorizing non-

profit corporations to lend or grant aid to persons entitled thereto."

Read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 70 was put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|-----------|-------------|
| Cousins. | Parr. |
| DeBerry. | Poage. |
| Fellbaum. | Purl. |
| Greer. | Rawlings. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Absent—Excused.

| | |
|-----------|---------|
| Beck. | Duggan. |
| Blackert. | Patton. |
| Collie. | Russek. |

Read third time and finally passed by the following vote:

Yeas—22.

| | |
|-----------|-------------|
| Cousins. | Oneal. |
| DeBerry. | Pace. |
| Fellbaum. | Parr. |
| Greer. | Purl. |
| Holbrook. | Redditt. |
| Hopkins. | Regan. |
| Hornsby. | Sanderford. |
| Martin. | Small. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |

Nays—3.

| | |
|-----------|--------|
| Poage. | Stone. |
| Rawlings. | |

Absent—Excused.

| | |
|-----------|---------|
| Beck. | Duggan. |
| Blackert. | Patton. |
| Collie. | Russek. |

Pages Excused.

On motion of Senator Fellbaum, the pages were excused at 11:15 p. m.

Senate Bill No. 73.

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 73, A bill to be entitled "An Act creating additional appropriations for Assistant State Auditors for the fiscal years ending August 31, 1934, and August 31, 1935; and adjusting the salaries of the State Auditor and Efficiency Expert and of the First Assistant State Auditor for the fiscal years ending August 31, 1934, and August 31, 1935, respectively, increasing the appropriations made for that purpose by the Forty-third Legislature at its Regular Session, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Recess.

On motion of Senator Greer, the Senate, at 11:35 o'clock p. m., recessed until 9 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Letter.)

Dallas, Texas, October 9, 1933.

Governor Edgar E. Witt,
Austin, Texas.

My dear Governor:

The Executive Committee of the Texas Press Association in session in Dallas, Saturday, October 7th, passed the following resolution and authorized this office to submit same to you for your due consideration:

"With as much emphasis as we can command, the Texas Press Association through its Executive Committee urges the Legislature now in session to comply with the Democratic platform and the expressed will of Texas voters by creating a State Centennial Commission and making sufficient appropriation to inaugurate a successful Centennial celebration in 1936. To delay action any longer will imperil the movement and discredit the patriotism and enterprise of our people. Nothing else that could be done would do

more to bring the favorable attention of the world to Texas and contribute more to the early rehabilitation of the State."

Very truly yours,
SAM P. HARBEN,
Secretary, Texas Press Association.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 22 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 50 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 100 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 71 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 30 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 75 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 98 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 103 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 65 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 101 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 80 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 86 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 94 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 79 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 52 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 102, A bill to be entitled "An Act authorizing any county, city, common school district, independent school district, road district, irrigation and drainage district, and any other political subdivision to accept bonds issued by Federal Home

Loan Bank Board or Home Owners' Loan Corporation in payment of delinquent taxes due such political subdivision, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REGAN, Vice-Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred S. B. No. 104, A bill to be entitled "An Act to amend Article 1109a, of the Revised Civil Statutes of 1925 of the State of Texas passed by the Thirty-ninth Legislature, Acts of 1925, and known as H. B. No. 477, said Act being an Act entitled 'An Act to empower cities having more than One Hundred and Sixty Thousand (160,000) inhabitants to purchase or otherwise acquire water systems, and additions, extensions and enlargements thereto, and additional water powers, riparian rights, and repairs of such systems; etc., and declaring an emergency.'

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 106, A bill to be entitled "An Act amending Section 2, Section 3, Section 5 and Section 9, Chapter 162, H. B. No. 154, Acts of the Forty-third Legislature, Regular Session, providing for monthly payment of tax levied and prescribing the date upon which tax shall be paid and by whom it shall be paid, providing for the making of certain reports and the maintenance of certain reports and the maintenance of certain records and providing that if said tax is withheld by the purchaser and said purchaser fails to make payment of said tax to the State that the producer may have legal action against

the purchaser by reason of such failure, etc., etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 105, A bill to be entitled "An Act to amend Section 11 of Acts of the Forty-second Legislature, page 300, Chapter 177, to have Section 6 of said Act provide that consent to adoption of a child shall not be required of a parent who has transferred the right to and control of such child, or abandoned such child, to a corporation, or other association, conducting a home or school of children, or an individual, etc., etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. C. R. No. 23, Relative to the unexpended balance of S. B. No. 246, passed by the Forty-third Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 107, A bill to be entitled "An Act making an appropriation for one district supervisor for the State Department of Vocational Education, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 189.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 103, A bill to be entitled "An Act to provide for the granting of charters for corporations, and the renewal thereof, for the purchase, sale and distribution of water and water rights, and the building of pipe lines, plants and the equipment thereof; to provide the conditions under which charters for the same may be granted and to authorize such corporations to borrow money from the Government of the United States of America or any agency thereof and to issue its notes and bonds as evidence of its indebtedness; to authorize the issuance of stock on which shall be paid no dividends, and to provide for the distribution of the profits of such corporation to towns, cities and other political subdivisions of the State as well as private corporations and individuals who shall be customers of such corporations in the purchase of water, said dividends to be issued in direct proportion to the amount of business transacted by such contractees with said corporation; to provide the method of selecting the governing body and officers of such corporation; to authorize such corporations to lease, purchase, own and hold such property, real and personal as may be required for its purposes; to limit

the salary and expenses to be paid to the executive officers and legal representatives of such corporation; to grant to such corporation power of eminent domain to obtain the rights-of-way for pipe lines and other necessary sites and to authorize such corporations to make contracts for the sale and delivery of water in exchange for rights-of-way, if in the judgment of the board of directors of said corporation the same be necessary, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COUSINS, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 149, A bill to be entitled "An Act amending H. B. No. 231, Chapter 102, page 225, General Laws, passed at the Regular Session of the Forty-third Legislature, State of Texas, by extending the period within which relief may be granted to debtors coming under the provisions of said Act, and extending the terms and provisions and the relief granted under said Act to and including the 1st day of January, A. D. 1935; amending Sections 1 and 2 of said Act; fixing a State policy, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 47, General and Special Laws of the Forty-first Legislature, First Called Session, and Section 1, Chapter 140, Regular Session, Forty-

second Legislature, repealing said Sections 1 and 1-a; and re-enacting same with certain changes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 96, A bill to be entitled "An Act authorizing the Chairman of the Board of Insurance Commissioners to employ not to exceed five (5) additional examiners, three (3) of whom shall be senior examiners and two (2) of whom shall be assistant examiners; and requiring such examiners to give bond; fixing the compensation and traveling expenses of such examiners, and providing for the manner of payment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 95, A bill to be entitled "An Act amending Article 2673 of the Revised Civil Statutes of 1925, relating to the purchase of bonds by the State Board of Education and providing that the State Board of Education may purchase school bonds from the Board of County and District Road Indebtedness, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

S. B. No. 109, A bill to be entitled "An Act to authorize municipal corporations and political subdivisions of the State of Texas to apply for and secure grants and loans from the Federal Government for the construction, repair, improvement and financing of public work projects as defined herein, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 110, A bill to be entitled "An Act to amend Article 1111, Revised Civil Statutes of Texas, 1925, as amended, granting to cities and towns powers in reference to the building, purchasing, improving, enlarging, extending and repairing of light, water, sewer or natural gas systems, sanitary disposal equipment and appliances, parks and/or swimming pools, either or all, and the franchise and income thereof, to secure the payment of funds therefor; authorizing the encumbrance of said properties and/or revenues and income therefrom, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 30, Granting J. F. Bentley permission to sue the State Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

RAWLINGS, Chairman.

By Wells.

H. C. R. No. 30.

A CONCURRENT RESOLUTION.

Granting J. F. Bentley permission to maintain a suit against the State Highway Commission of Texas.

Whereas, J. F. Bentley of Navarro County, Texas, claims damages against the State Highway Department of Texas and others, for damages to personal property, being the killing of two mules and damages to his wagon and harness and personal injuries, which occurred on or about the 8th day of February, 1932, near Richland Creek in Navarro County, Texas, on State Highway No. 31, said damages alleged to have occurred on account of a truck operated by the State Highway Department, and said J. F. Bentley desires to file suit thereon; and

Whereas, The said Highway Commission and its engineers contend that said suit cannot be filed for said damages against said Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said plaintiff has a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State who has a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said J. F. Bentley is hereby given and granted consent and permission to file said suit, and for the prosecution thereof against the State Highway Commission of the State of Texas, as such Commission, in any Court in Navarro County, Texas, having jurisdiction thereof, said suit being based upon damages to his personal property, being the killing of his two mules and damages to his wagon and harness and personal damages to himself, and said J. F. Bentley is granted the right to maintain said suit to final judgment in Navarro County of the State of Texas.

Committee Room,
Austin, Texas, October 10, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred S. B. No. 85, A bill to be entitled "An Act authorizing the temporary closing and suspension of state banks, bank and trust companies under certain conditions for the purpose of conserving the assets thereof and formulating and executing a plan of liquidation or reorganization; providing for the appointment of a depositors' committee to examine and investigate the condition of the suspended bank and to formulate and recommend a plan of liquidation or reorganization, and permitting such plan when approved by the Banking Commissioner of Texas and depositors and other creditors of the bank representing at least seventy-five per cent in amount of its total deposits and other liabilities; authorizing the proper administrative official, officials, board or tribunal in charge of deposits or funds belonging to the State of Texas and county, city, common school district, independent school district, or other political subdivision of this State to participate in and agree to such plan of liquidation or reorganization, and prescribing the duties of the Banking Commissioner in such cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

NINETEENTH DAY—Continued.

Senate Chamber,
Austin, Texas,
October 11, 1933.

The Senate met at 9 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

At Ease.

By unanimous consent, the Senate stood at ease until 9:30 o'clock a. m.

Senate Bill No. 73.

The question recurred upon S. B. No. 73.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 73 by striking out the figures "\$15,000.00" in Section No. 1 and substitute therein the sum of "\$4800.00 per annum.", and by substituting the word "two" for the word "five" in line 18 of said section.

HOLBROOK.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

| | |
|-----------|-------------|
| Beck. | Regan. |
| Fellbaum. | Russek. |
| Martin. | Sanderford. |
| Moore. | Small. |
| Neal. | Stone. |
| Pace. | Woodruff. |
| Purl. | Woodward. |

Nays—11.

| | |
|-----------|-----------|
| Blackert. | Murphy. |
| Collie. | Oneal. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Holbrook. | Rawlings. |
| Hornsby. | |

Absent.

| | |
|----------|----------|
| Greer. | Redditt. |
| Hopkins. | Woodul. |
| Parr. | |

Absent—Excused.

Duggan.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 73, Section 2 of bill, by striking out in line 22 of said section the figures "\$1800," and substituting the figures "\$600," and striking out the figures "\$6,000," in line 25 and substituting the figures "\$4800."

HOLBROOK.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

| | |
|-----------|---------|
| Beck. | Neal. |
| Cousins. | Pace. |
| Fellbaum. | Patton. |
| Martin. | Purl. |
| Moore. | Regan. |